



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,676	04/27/2000	Ryan Burkhardt	MS1-501US	4400
22801	7590	10/03/2003	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			VO, LILIAN	
			ART UNIT	PAPER NUMBER
			2127	

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,676

Applicant(s)

BURKHARDT ET AL.

Examiner

Lilian Vo

Art Unit

2127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 48 are presented for examination. Newly added claims 47 – 48 are also included for examination.

Response to Arguments

2. Applicant's arguments filed 7/11/03 have been fully considered but they are not persuasive for the reason set forth below.

3. Regarding applicants' remarks (page 7, last paragraph), in which modifying the desktop that is to be displayed to the user does not disclose or suggest developing an operating system image pre-populated with information that includes user preferences for multiple different pieces of hardware of the computer, the Office disagrees. Stedman's reference is about customizing programs such as the operating system base on the custom components (col. 7, lines 46 – 50, and col. 8, lines 2 – 10, and 17 – 20). Furthermore, Stedman teaches of modifying a graphical user interfaces and allowing customization of the graphical user interface for a windows type operating system (abstract, lines 1 - 7). Therefore, amended claims 1, 8, 9 and 41 stand rejected as being unpatentable over Stedman.

4. Regarding applicants' remarks (page 8, last paragraph – page 9, first paragraph) in which “the custom installation programs of Stedman cannot be viewed as the other applications” as recited in claim 15 because these custom installation programs of Stedman are not customized,

Art Unit: 2127

rather, they customize the operating system”, the Office disagrees. In contrary to applicants’ remarks, Stedman’s custom installation programs themselves are being customized by containing the customized components, which are used to customize the operating system. Stedman also discloses of copying customized files on nonvolatile storage devices to customize computer system for the end user (col. 7, lines 52 – 55). Stedman further discloses of copying the custom components from nonvolatile storage device of the custom installation system to a nonvolatile storage device of the end user’s computer (col. 7, lines 46 – 51). Col. 3, lines 25 – 36 show selected components may also be installed to customize the computer system. Furthermore, a component is defined as a small binary object or program that performs a specific function and is designed in such a way to easily operate with other components and applications. As a result, the feature as recited in amended claim 15 is essentially suggested in Stedman.

5. Regarding applicants’ remarks (page 9, 3rd paragraph) in which Stedman does not disclose or suggest automatically customizing an operating system ...based at least in part on received information that includes user preferences for multiple different pieces of hardware of the computer as recited in claim 17”, the Office disagrees. Stedman discloses of customizing an operating system for the end user (col. 8, lines 16 – 19). Col. 3, lines 11 – 15 also show additional components such as tape drive, a CD-ROM or any other components can be installed to customize the computer if order by the customer (col. 3, 11 – 15). Hence, the feature as recited in amended claim is disclosed in Stedman’s reference.

Art Unit: 2127

6. Regarding applicants' remarks (page 10, 1st and 3rd paragraphs) in which "nothing in the modifying of a desktop layout discloses or suggests anything about integrating both the information describing the user and the data describing hardware preferences of the user into a program as recited in amended claim 26", the Office would like to point out that Stedman discloses of customizing a computer system, for example, customize the operating system by incorporating any of the customer selected components and customization files as specified by the customer (col. 3, lines 11 – 15, 25 – 38, col. 8, lines 52 – 55). Therefore, in order to customize a purchase order, customer's information and preferences must also be included to fulfill the customer's request. Furthermore, Stedman also discloses how the computer system that handles multiple users by having each of the user entering his or her username and password, which identify the user's uniqueness to the operating system—particular user customization (col. 6, lines 50 - 67).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites "the other computer" on page 16, line 16. It is unclear whether it is referring to the computer used by the consumer or a different computer. For the purpose of the

Art Unit: 2127

examination, the examiner will assume it is referring to the computer used by the consumer to order the new computer based on applicants' remark on page 12, lines 23 – 25).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1 – 7, and 11 – 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Stedman et al. (US 6,262,726, hereafter referred to Stedman).

Regarding **claim 1**, Stedman discloses a method comprising:

receiving information about a prospective user of an operating systems, wherein the information includes user preferences for multiple different pieces of hardware of the computer (abstract, col. 2, lines 5 – 24, col. 6, lines 48 – 67, fig. 6, customize the OS: col. 7, lines 16 - col. 8, lines 20, fig. 8, col. 3, lines 11 – 15); and

developing the operating systems image, pre-populated with the information, to be installed on a computer (customize the OS: col. 7, lines 16 - col. 8, lines 20, fig. 8).

Regarding **claim 2**, Stedman et al. disclose the method as recited in claim 1, wherein the information comprises data describing the identity of the prospective user (col. 6, lines 48 – 67).

Regarding **claim 3**, Stedman et al. disclose the method as recited in claim 1, wherein the information comprises one or more of the user's name, initials, street address, state of residence, country of citizenship, electronic mail (email) address, age, social security number, date of birth, profession, hobbies, interests, and computer expertise (col. 6, lines 48 – 67).

Regarding **claim 4**, Stedman et al. disclose the method as recited in claim 1, wherein the information comprises data describing hardware preferences of the prospective user (col. 3, lines 6 – 15).

Regarding **claim 5**, Stedman et al. disclose the method as recited in claim 1, wherein the receiving comprises receiving information in response to one or more requests for information targeted at a consumer (col. 6, line 48 – 67, registration process require customer to provide personal information and preferences, col. 7, lines 46 – 61, col. 1, line 56 – col. 2, line 2).

Regarding **claim 6**, Stedman et al. disclose the method as recited in claim 5, wherein the consumer is the prospective user (col. 7, lines 46 – 61, col. 1, line 56 – col. 2, line 2).

Regarding **claim 7**, Stedman et al. disclose the method as recited in claim 5, wherein the requests are presented to the consumer when a computer with the operating system is ordered by the consumer (col. 7, lines 46 – 61, and col. 1, line 56 – col. 2, line 2: customers' requested for customizations installation inherently means that customers have the option to request for customizing their computer when order).

Regarding **claim 11**, Stedman et al. disclose the method as recited in claim 1, further comprising storing the information in a bill of materials (col. 6, lines 48 – 67: maintain users' profile).

Regarding **claim 12**, Stedman et al. disclose the method as recited in claim 11, further comprising making the information in a bill of materials available to other application programs (fig. 8: shows custom installation programs and files).

Regarding **claim 13**, Stedman et al. disclose the method as recited in claim 1, wherein the receiving comprises receiving information about a plurality of prospective users of the operating system, and wherein the developing comprises developing an operating system image, pre-populated with the information for each of the plurality of prospective users, to be installed on the computer (abstract, col. 2, lines 5 – 24, col. 6, lines 48 – 67, fig. 6).

Regarding **claim 14**, Stedman et al. disclose the method as recited in claim 1, wherein the operating system is organized as a plurality of components, and wherein one the plurality of components is an identity component that includes the information (col. 3, line 65 – col. 4, line 2, col. 4, lines 13 – 39, col. 6, lines 48 - 67).

Regarding **claim 15**, Stedman discloses a method comprising:

receiving information about a prospective user of an operating system (abstract, col. 2, lines 5 – 24, col. 6, lines 48 – 67, fig. 6, customize the OS: col. 7, lines 16 - col. 8, lines 20, fig. 8, col. 3, lines 11 – 15); and

developing the operating system image, pre-populated with the information, to be installed on a computer (customize the OS: col. 7, lines 16 - col. 8, lines 20, fig. 8);

wherein the operating system is organized as a plurality of components, and wherein one of the plurality of components is an identity component that includes the information (col. 3, line 65 – col. 4, line 2, col. 4, lines 13 – 39, col. 6, lines 48 - 67); and

wherein the identity component is accessible to other application programs to allow the other application programs to be customized based at least in part on the information (fig. 8 – 9, col. 7, lines 46 – 55, col. 8, lines 7 – 10, 17 – 20, 48 – 54 and col. 3, lines 26 – 38).

Regarding **claim 19**, Stedman et al. disclose the method as recited in claim 17, wherein the automatically customizing comprises automatically customizing the operating system during an initial boot of the computer (col. 6, lines 16 – 29, lines 48 – 67, fig. 5, col. 8, lines 11 – 26, fig. 9).

Regarding **claim 26**, Stedman discloses a method comprising:

accessing a record of user information describing a user, the record being available to a plurality of programs, the record including both information describing the user and data describing the user and data describing hardware preferences of the user (customer's order: col. 3, lines 11 – 15, 26 – 35, and col. 6, lines 55 – 64); and

customizing one of the plurality of programs based at least in part on the user information by integrating the information describing the user and the data describing hardware preferences of the user from the record into the one of the plurality programs (customize OS: col. 8, lines 16 – 20).

Regarding **claim 29**, Stedman et al. disclose the method as recited in claim 26, wherein the customizing of the one program is performed by the one program (col. 3, line 65 – col. 4, line 39).

Regarding **claim 30**, Stedman et al. disclose the method as recited in claim 26, wherein the accessing comprises communicating information requests to an interface that supports one or

Art Unit: 2127

more of reading data from the record, writing data to the record, and modifying data in the record (col. 6, lines 48 – 67).

Regarding **claim 31**, Stedman et al. disclose the method as recited in claim 26, wherein the accessing comprises accessing the record from a local source (col. 4, lines 2 – 12: information is stored on the same nonvolatile storage device in the same system).

Regarding **claim 32**, Stedman et al. disclose the method as recited in claim 26, wherein the accessing comprises accessing the record from a remote source (col. 4, lines 2 – 12: LAN may be used to obtain information by connecting the system to nonvolatile storage device).

Claim 34 is rejected on the same ground as stated in claim 26 above.

Claims 16 – 18, 20 – 28, and 33, 35 – 46 are rejected on the same ground as stated above.

Regarding **claim 47**, Stedman discloses one or more computer-readable media having stored thereon a computer program that, when executed by one or more processors of a computer, causes the one or more processor to:

obtain, over a network when the computer is initially booted, a record of user information describing a user (col. 4, lines 9 – 12); and

automatically customize an operating system installed on the computer based on the obtained user information (col. 3, lines 11 – 15, 25 – 38, and col. 8, lines 16 – 19).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2127

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8 – 9 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (US 6,262,726, hereafter referred to Stedman) in view of Beelitz et al. (US Pat 6,182,275, hereafter referred to Beelitz).

Regarding **claim 8**, Stedman did not clearly specify the receiving comprises obtaining the information from a computer used by a consumer to order a new computer with the operating system. Nevertheless, the claim limitation is shown in Beelitz in which customer can place an order to buy a computer system via a user interface of a computer terminal 105 to provide the manufacture with his/her information of the selected choice (col. 4, line 10 – col. 5, line 35). Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made, to incorporate Beelitz's feature to Stedman to manufacture a targeted computer system as per the selections made by the user via computer terminal 105 (col. 5, lines 6 – 35).

Claim 9 is rejected on the same ground as stated in claim 8 above.

Regarding **claim 48**, Stedman did not disclose the network comprises the Internet. Nevertheless, this feature can be found in Beelitz in col. 4, lines 18 – 26, where a wide area network such as the internet is used. Therefore, it would have been obvious for one of ordinary skill in the art, at the time the invention was made to incorporate this feature to Stedman's system so that a variety of network can be available for use.

Allowable Subject Matter

13. **Claim 10** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. US 5,325,532.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 703-305-7864.

Art Unit: 2127

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lilian Vo
Examiner
Art Unit 2127

lv
September 18, 2003


MAJID A. BANANKHAH
PRIMARY EXAMINER